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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,467	02/10/2004	Chauncey T. Mitchell JR.	90972.000009	1369
23387	7590	02/10/2005	EXAMINER	
Stephen B. Salai, Esq. Harter, Secrest & Emery LLP 1600 Bausch & Lomb Place Rochester, NY 14604-2711			FERGUSON, MARISSA L	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/775,467	Applicant(s) MITCHELL, CHAUNCEY T.	
	Examiner Marissa L Ferguson	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 14-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

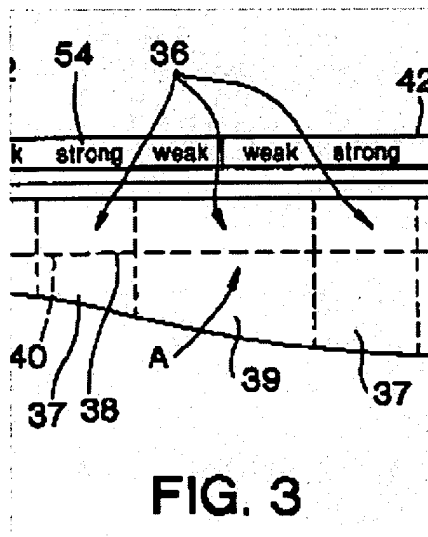
Claims 1,4,7,14-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connor Sledge et al. (US 6,368,689) in view of Ohyama (US Publication 2004/0211229).

Regarding claims 1,7 and 17, Connor Sledge et al. teaches a web (16) being divisible along lines of perforation that extend between two edges (Figure 2) and contain a pattern of ties (Figures 3 and 4), a web with varying perforation profiles forming lines of weakness near the center (36, Abstract) causing the web to burst at the center of the web and then proceeds to rupture at the edges of the web (see element 54 and perforated longitudinal line located to the left of element 40 and perforated longitudinal line located to the right of 37, also see figure 3 located below) where the ties are stronger and a feed path (Figure 1) along which the divisible sections of the web are advanced in sequence through the printer to a position at which the lines of perforation can be individually burst (Figure 1) by a tensile force applied along a length of the web starting by rupturing the weaker ties at the center of the web and proceeding to rupture the ties at the two edges (the claimed language is functional

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language and does not set forth sufficient to patentably distinguish the claimed invention over the prior art). However, he does not teach a printer that prints information on the divisible sections of the web. Ohyama teaches a print means (Page 1, Paragraph 0018) that prints information (Page 4, Paragraph 0065) on the divisible sections of the web.

It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify the invention as taught by Connor Sledge et al. to include a printer as taught by Ohyama, since Ohyama teaches that it is advantageous to provide aesthetically pleasing design such as a store logo on a hand towel.



Regarding claims 7 and 20, Connor Sledge et al. teaches weak ties, however he does not specifically teach ties 20% weaker. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 61 7 F.2d 272, 205 USPQ 215 (CCPA 1980). It would have been obvious to

have ties that are 20% weaker, since such modification would result in the ties rupturing before other ties so that web can be properly broken along the perforated lines.

Regarding claim 4, Conner Sledge et al. teaches the claimed invention with the exception of a front/back surface being printed with from the printer. Ohyama teaches a web including front and back surfaces (Figure 4), the front surface being printed with information from the printer (Page 1, Paragraph 0018). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Connor Sledge et al. to include a printer as taught by Ohyama, since Ohyama teaches that it is advantageous to provide aesthetically pleasing design such as a store logo on a hand towel.

Regarding claims 14-16, Connor Sledge et al. teaches the invention and method claimed with the exception cutting spaced lines of perforations along the web. Ohyama discloses a cutting station used for cutting a web (Abstract, element 5 and Page 4, Lines 11-14). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to further modify the invention as taught by Conner Sledge et al. to include a cutting device as taught by Ohyama, since Ohyama teaches that is advantageous to provide a cutter to ensure efficient cutting in the required locations.

3. Claims 2,3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connor Sledge et al. (US 6,368,689) in view of Ohyama (US Publication 2004/0211229) as applied to claim 1 above, and further in view of Kopp et al. (US 5,428,433).

Regarding claims 2 and 18, Connor Sledge et al. and Ohyama both teach the invention and method claimed with the exception of a printer that applies a braking force that prevents subsequent sections of the web from being prematurely dispensed through the printer. Kopp et al. discloses a printer with reel paper that teaches a printer with a paper brake force (31). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to further modify the invention as taught by Connor Sledge et al. to include a paper brake as taught by Kopp et al., since Kopp et al. provides a brake for tautly wrapping paper around a roller.

Regarding claim 3, Connor Sledge et al. teaches wherein a force applied along a length of the web initially stresses both the ties located at the center of the web as well as the ties located at the two edges of the web (Column 4, Lines 19-37).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Connor Sledge et al. (US 6,368,689) in view of Ohyama (US Publication 2004/0211229) as applied to claim 1 above, and further in view of Nagamoto (US 5,763,354).

Connor Sledge et al. and Ohyama both teach the invention claimed with the exception of a thermal printer and the front surface of the web includes a thermosensitive coating. Nagamoto teaches a thermal printhead (Column 17, Lines 4-7) that provides a thermosensitive (Column 6, Lines 12-21 and Column 13, Lines 7-9) coating on a perforated recording material. It would have been obvious at the time the invention was made to a person of ordinary skill in the art

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to further modify the invention as taught by Connor Sledge et al. to include a thermal printer and thermosensitive coating as taught by Nagamoto, since Nagamoto teaches that it is advantageous to provide a layer that becomes adhesive when activated.

5. Claims 6,19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connor Sledge et al. (US 6,368,689) in view of Ohyama (US Publication 2004/0211229) as applied to claims 1,4,7,14-17 and 20 above, and further in view of Kline (US Patent 6,139,932).

Conner Sledge et al. and Ohyama both teach the invention and method claimed with the exception of ties located adjacent to the center of the web are narrower than the ties located adjacent to the edges of the web along the perforation. Kline teaches a perforated web roll that teaches weaker ties/narrow ties located at the edges of the web (34) and stronger ties located in the center (33'). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to further modify the invention as taught by Connor Sledge et al. by forming the weak region by narrowing the ties, since Kline teaches that narrow ties is an effective structure for forming a tear portion that is easily separated.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over of Connor Sledge et al. (US 6,368,689) in view of Ohyama (US Publication 004/0211229) as applied to claims 1,4,7,14-17 and 20 above, and further in view of Fabel (US Patent 5,562,964).

Conner Sledge et al. and Ohyama both teach the invention and method claimed with the exception of a fan-folded stack. Fabel teaches a web of print media that is

arranged as a fan-folded stack (20) prior to advancing the succession of sheets along the feed path (Figure 2). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to further modify the invention as taught by Connor Sledge et al. to include a fan-folded stack as taught by Fabel, since Fabel teaches that it is advantageous to facilitate easy removal of the perforated sheets.

Allowable Subject Matter

8. Claims 8-13 are allowed.

Reasons for Allowance

9. The following is an examiner's statement of reasons for allowance: Regarding claim 8, the prior art does not teach or render obvious a first of the tensile forces being applicable through a position offset from the centerline for bursting the lines of perforation starting at one edge of the web and proceeding through the center to the other edge of the web, a second of the tensile forces being applicable through a position aligned with the centerline for bursting the lines of perforation starting at the center of the web and proceeding to both edges of the web and magnitudes of the first and second tensile forces required for bursting the lines of perforation being made more nearly equal by the pattern of ties that are weaker next to the center of the web than next to either of the two edges .

Regarding claim 11, the prior art does not teach or render obvious breaking ties located along the line of perforation separating the one sheet from the remaining portion of the web starting with ties located adjacent to the centerline and proceeding to ties

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located adjacent to the edges of the web for dispensing the one sheet of print media from the printer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other(F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson
Examiner
Art Unit 2854

MLF



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